

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

PRISM TECHNOLOGIES LLC,

Plaintiff,

v.

AT&T MOBILITY LLC,

Defendant.

CASE NO. 8:12-cv-122-LES-TDT

**DEFENDANT AT&T MOBILITY LLC'S
DAUBERT MOTION TO EXCLUDE THE OPINIONS AND TESTIMONY OF JAMES E.
MALACKOWSKI**

Prism Technologies, LLC's ("Prism") damages expert, Mr. James E. Malackowski, issued an expert report with respect to Defendant AT&T Mobility LLC ("AT&T"). AT&T respectfully requests that the Court preclude Mr. Malackowski from testifying as to the opinions expressed in his expert report because those opinions are not based on reliable principles or methodologies, are not based on the facts of the case, and/or are not legally sound. The fatal flaws of Mr. Malackowski's opinions are fully described in the accompanying brief in support of this motion.

Dated: July 7, 2014

Respectfully submitted,

/s/ David R. Clonts

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CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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